



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,475	02/21/2007	Bruno Saint-Jalmes	287496US41PCT	9365

22850 7590 03/04/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.

1940 DUKE STREET

ALEXANDRIA, VA 22314

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

NOTIFICATION DATE

DELIVERY MODE

03/04/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/573,475

Applicant(s)

SAINT-JALMES ET AL.

Examiner

Rodney B. White

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the Abstract, lines 1-2, Applicant uses the word "invention" and "inventive", which is improper language for the Abstract. Correction is required.

Claim Objections

Claims 5-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent or other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claim 5-11 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4 and 6-7, the term "more or less" is unclear and confusing language. Is Applicant trying to define it as - - substantially - -? On lines 5-6, "the surface" (2 instances) lacks antecedent basis. On lines 6-7, "the more or less horizontal portion" and "the more or less horizontal surface" lack antecedent basis.

In claim 2, Applicant continues to use the "more or less" language which needs to be replaced or corrected.

In claim 3, Applicant again uses the "more or less" language which needs to be replaced or corrected.

Finally, Applicant should rid the claims of the "characterized in that" language which is not recommended claim language.

The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Rowe (U.S. Patent No. 2,514,798).

Rowe teaches seat intended for an aircraft, comprising a sitting portion (13), a back (14) and two armrests (32), this seat being convertible into a bed, characterized in that it further comprises means for guidance of at least one armrest in a translatory movement in a more or less vertical direction, and in that the said armrest (314a-b) is movable between an initial position in which it projects above the surface of the sitting portion (13) and a second retracted position in which it is more or less flush with the surface of the adjacent more or less horizontal portion of the seat or is below this more or less horizontal surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the back (14) when the latter is in more or less horizontal position or is below this back surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the sitting portion (13) or is below this sitting surface (see Figures 1-4), characterized in that the movement of the armrest (32) is independent of the movement of the back (14).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al (U.S. Patent No. 6,170,786 B1).

Park et al teach seat intended for an aircraft, comprising a sitting portion (20), a back (22) and two armrests (26), this seat being convertible into a bed, characterized in that it further comprises means for guidance of at least one armrest in a translatory movement in a more or less vertical direction, and in that the said armrest (26) is movable between an initial position in which it projects above the surface of the sitting portion (20) and a second retracted position in which it is more or less flush with the

surface of the adjacent more or less horizontal portion of the seat or is below this more or less horizontal surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the back (22) when the latter is in more or less horizontal position or is below this back surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the sitting portion (20) or is below this sitting surface (see Figures 2-3).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al (EP 0 869 060 A1).

Park et al teach seat intended for an aircraft, comprising a sitting portion (20), a back (22) and two armrests (26), this seat being convertible into a bed, characterized in that it further comprises means for guidance of at least one armrest in a translatable movement in a more or less vertical direction, and in that the said armrest (26) is movable between an initial position in which it projects above the surface of the sitting portion (20) and a second retracted position in which it is more or less flush with the surface of the adjacent more or less horizontal portion of the seat or is below this more or less horizontal surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the back (22) when the latter is in more or less horizontal position or is below this back surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the sitting portion (20) or is below this sitting surface (see Figures 2-3).

Claims 1-4, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Dryburgh et al (GB 2 362 095 A).

Dryburgh et al teach seat intended for an aircraft, comprising a sitting portion (312), a back (310) and two armrests (314a-b), this seat being convertible into a bed, characterized in that it further comprises means for guidance of at least one armrest in a translatory movement in a more or less vertical direction, and in that the said armrest (314a-b) is movable between an initial position in which it projects above the surface of the sitting portion (20) and a second retracted position in which it is more or less flush with the surface of the adjacent more or less horizontal portion of the seat or is below this more or less horizontal surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the back (22) when the latter is in more or less horizontal position or is below this back surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the sitting portion (20) or is below this sitting surface (see Figures 3A-3B), characterized in that the movement of the armrest (314a-b) is independent of the movement of the back (310).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Ludeke et al (U.S. Patent Application Publication No. 2003/0085597 A1).

Ludeke et al teach seat intended for an aircraft, comprising a sitting portion, a back and two armrests (108), this seat being convertible into a bed, characterized in

Art Unit: 3636

that it further comprises means for guidance of at least one armrest in a translatable movement in a more or less vertical direction, and in that the said armrest (108) is movable between an initial position in which it projects above the surface of the sitting portion and a second retracted position in which it is more or less flush with the surface of the adjacent more or less horizontal portion of the seat or is below this more or less horizontal surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the back when the latter is in more or less horizontal position or is below this back surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the sitting portion or is below this sitting surface (see Figures 1-2).

Claims 1-4, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Beroth et al (U.S. Patent No. 6,692,069 B2).

Beroth et al teach seat intended for an aircraft, comprising a sitting portion, a back and two armrests (14 or 14a in the second embodiment), this seat being convertible into a bed, characterized in that it further comprises means for guidance of at least one armrest in a translatable movement in a more or less vertical direction, and in that the said armrest (14 or 14a) is movable between an initial position in which it projects above the surface of the sitting portion and a second retracted position in which it is more or less flush with the surface of the adjacent more or less horizontal portion of the seat or is below this more or less horizontal surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the back

Art Unit: 3636

when the latter is in more or less horizontal position or is below this back surface, characterized in that in its second retracted position, the armrest is more or less flush with the surface of the sitting portion or is below this sitting surface (see Figures 1, 4, and 10A-10B), characterized in that the movement of the armrest (14) is independent of the movement of the back (See Fig. 4).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsumiya, Dryburgh et al, Park et al, Beroth, and Plant teach similar structures to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney B. White/
Primary Examiner
Art Unit 3636
February 20, 2008